REMARKS/ARGUMENTS

Claims 1-3, 7-10, 14-17, and 21-24 have been rejected. Claims 1, 8, and 15 have been amended. The claims are fully supported by the specification. No new matter is presented by these amendments. Applicant respectfully requests reconsideration of the application in view of the above amendments and the following remarks submitted in support thereof.

Anticipation Rejections under 35 U.S.C. §102(e)

The Examiner has rejected claims 1, 3, 7, 8, 10, 14, 15, 17 and 21-26 under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,848,106 to Hipp in view of the VMware technical White Paper of February 1999. For the reasons set forth below, Applicant respectfully asserts that Hipp fails to disclose or teach each and every feature specified in amended independent claims 1, 8, and 15. In addition, the combination of Hipp in view of VMware do not raise a *prima facie* case of obviousness against any of independent claims 1, 8, and 15. Accordingly, the Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 103(a) rejections for these claims.

Although the Applicant believes that the original pending claims are defined over the prior art of record, the Applicant has amended independent claims 1, 8, and 15 to further clarify that the resource is shared between compute capsules. As amended, independent claims 1, 8, and 15 further specify that the translation is transparent to both an operating system level and an application level and the binding is transparent to the application level. Hipp teaches requires that the virtual ID is visible to the application while being transparent to the OS (col. 10, lines 5-7). The embodiments of Hipp function at the application level and therefore require that the virtual ID be visible at the application level, i.e., the virtual environment resides between the application and the operating system (see column 3, lines

59-62). In contrast, amended independent claims 1, 8, and 15 enable the compute capsule to move between systems without restriction because of the transparency of the translation. Claims 1, 8, and 15 further define without restriction as the computers having different physical devices. As required by Hipp, snapshot virtual templates cannot be created by applications that use non-shareable physical devices (see column 7, lines 63-66). Under Hipp knowledge of the resources that may be shared is encoded in the virtual templating framework, while the claimed invention is free from this restriction.

As Hipp fails to teach each and every element of the claimed invention, and the Vmware paper fails to cure the deficiencies of Hipp, the Applicant respectfully submits that amended independent claims 1, 8, and 15 are patentable under 35 U.S.C. § 103(a) over the combination of the cited references. Furthermore, dependent claims 3, 7, 10, 14, 17, and 21-26, each of which directly or indirectly depends from amended independent claims 1, 8, and 15 are submitted to be patentable under 35 U.S.C. § 103(a) over the cited references for the reasons set forth above. Accordingly, the Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 103(a) rejections for claims 1, 3, 7, 8, 10, 14, 15, 17 and 21-26.

Applicants further assert that one skilled in the art would not have combined Hipp and VMware as suggested by the Examiner. Hipp teaches that virtual templates cannot be created for applications using non-shareable physical devices, i.e., computers having different hardware. The Examiner asserts that it would have been obvious to combine these references to allow the system to support the integration of multiple environments. Applicants respectfully submit that the Examiner is not considering Hipp in its entirety and is ignoring the explicit restrictions specified in Hipp, i.e., the lack of applicability to systems with shareable devices, that teach away from the claimed invention. The Applicant respectfully requests that the Examiner elaborate on how the teachings of Hipp can be ignored when

combining these references if this rejection is maintained. Additionally, Hipp is designed to operate at the application level. However, the Examiner is asserting that one skilled in the art would completely disregard this feature and modify Hipp to operate so that translation is transparent to the application and operating system levels. Applicants submit that a complete redesign of Hipp would be required and change the basic principle under which Hipp was constructed.

As such, Hipp and the VMware reference in view of Howes et al. do not raise a *prima facie* case of obviousness against any of dependent claims 2, 9, and 16 for at least the reasons stated above, as Howes fails to cure the deficiencies of the combination of Hipp and the VMware reference. Accordingly, the Applicant respectfully requests the Examiner to withdraw the 35 U.S.C. § 103(a) rejections for claims 2, 9, and 16.

In view of the foregoing, the Applicant respectfully submits that all the pending claims 1-3, 7-10, 14-17, and 21-26 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 774-6921. If any additional fees are due in connection with filing this Amendment, the Commissioner is

also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP584). A

duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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